

SERVICE DATE – APRIL 13, 2012

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 6 (Sub-No. 480X)

**BNSF Railway Company – Abandonment Exemption –
in Oklahoma County, Okla.**

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Oklahoma City, Oklahoma County, Oklahoma. The rail line proposed for abandonment extends approximately 1.22 miles from milepost 541.69 to milepost 542.91 (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

BNSF states that it acquired the Line through a merger with the St. Louis-San Francisco Railway Company on November 21, 1980. The average width of the right-of-way is 100 feet, 50 feet on each side of the centerline. The Line traverses predominately suburban/urban areas and is suitable for recreational trails. BNSF states that Oklahoma City has expressed an interest in railbanking the Line.

ENVIRONMENTAL REVIEW

BNSF submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 6 (Sub-No. 480X).

Diversion of Traffic

According to BNSF, no local traffic has moved over the Line for at least 2 years, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The Natural Resources Conservation Service commented that no prime farmland or wetlands on agricultural land would be affected by the proposed abandonment.

The U.S. Fish and Wildlife Service (USFWS) provided instructions to BNSF on how to self-assess whether the proposed abandonment would be likely to adversely impact endangered or threatened species or areas designated as a critical habitat. As required by USFWS, BNSF consulted with the Oklahoma Department of Wildlife Conservation (OKDWC) and the Oklahoma Natural Heritage Inventory (OKNHI). OKDWC commented that it reviewed the proposed abandonment and found no occurrence(s) of relevant species within the project area. OKNHI commented that there are no state-listed threatened or endangered species in Oklahoma County and given the habitat in the project area, it seems very unlikely that any of the federally threatened or endangered species would occur there either. Based on these comments, BNSF determined that the proposed abandonment would have no adverse effect on any threatened or endangered species.

The National Park Service (NPS) reviewed the proposed abandonment and stated that no parks would be affected. Therefore, NPS had no comments.

The U.S. Environmental Protection Agency's Region 6 Office provided comments stating that the project would disturb less than one acre and would therefore fall below the threshold requiring a permit under the National Pollutant Discharge Elimination System (NPDES) construction storm water program.

The U.S. Army Corps of Engineers submitted comments stating that the proposed abandonment would not be subject to regulation pursuant to Section 404 of the Clean Water Act. Therefore, a Department of the Army permit would not be required.

The Bureau of Land Management (BLM) reviewed the proposed abandonment and stated that it found no BLM-managed federal or Indian minerals in the project area, nor any federal land managed by BLM. Therefore, BLM had no concerns or objections to the proposal.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to USFWS for its review and comment.

HISTORIC REVIEW

BNSF served the Historic Report on the Oklahoma Historical Society (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. SHPO also required BNSF to contact the Oklahoma Archeological Survey (OAS) to obtain a determination about the presence of prehistoric resources in the project area. OAS has submitted comments stating that no archeological sites are listed as occurring within the area of the proposed abandonment. Therefore, an archeological field inspection would not be necessary.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO, OAS, and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that there are no tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment.

CONDITIONS

We recommend that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 6 (Sub-No. 480X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: April 13, 2012.

Comment due date: April 27, 2012.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment